# United States District Court

## WESTERN DISTRICT OF MICHIGAN

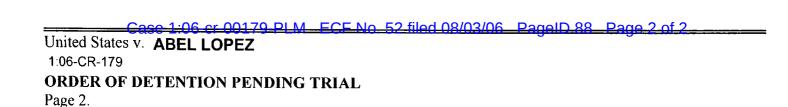
#### **UNITED STATES OF AMERICA**

V.

#### **ORDER OF DETENTION** PENDING TRIAL

AB	ELI	LUPEZ	Case Number. 1.00-CR-179
requ	In a	accordance with the Bail Reform Act, 18 U.S.C. e detention of the defendant pending trial in th	§3142(f), a detention hearing has been held. I conclude that the following facts is case.
	(1)	The defendant is charged with an offense	I - Findings of Fact described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal ve been a federal offense if a circumstance giving rise to federal jurisdiction had
		a crime of violence as defined in 18 U.	S.C.§3156(a)(4).
		an offense for which the maximum se	·
		an offense for which the maximum te	rm of imprisonment of ten years or more is prescribed in
		a felony that was committed after the d U.S.C.§3142(f)(1)(A)-(C), or comparab	efendant had been convicted of two or more prior federal offenses described in 18 le state or local offenses.
	(2)	The offense described in finding (1) was commoffense.	nitted while the defendant was on release pending trial for a federal, state or local
	(3)		ed since the (date of conviction) (release of the defendant from imprisonment) for
	(4)	Findings Nos. (1), (2) and (3) establish a rebu	table presumption that no condition or combination of conditions will reasonably nd the community. I further find that the defendant has not rebutted this
		Alte	rnate Findings (A)
X	(1)	There is probable cause to believe that the	
		for which a maximum term of impriso under 18 U.S.C.§924(c).	nment of ten years or more is prescribed in 21 U.S.C. § 801 et seq
X	(2)	The defendant has not rebutted the presum	otion established by finding 1 that no condition or combination of conditions will
	(4)		ernate Findings (B)
	(1) (2)	There is a serious risk that the defendant will There is a serious risk that the defendant will	l not appear. Il endanger the safety of another person or the community.
		found in a bedroom. He was told to show hi firearm was found hidden under his right leg defendant had been arrested the previous d house, children and employment. Defendant	ossession of a firearm. When police entered his residence, defendant was a hands in both English and Spanish. He kept hiding his right hand and a . At least 6 tazer shots and 5 officers were required to subdue defendant. The ay for striking his girlfriend with a skillet. Defendant had ownership in the it admits using cocaine intermittently for the past 5 years. Defendant has a nors. However, one of these was a conviction (continued on next page)
		Part II - Written Sta	tement of Reasons for Detention
nd that	the o	credible testimony and information submit	ted at the hearing establishes by a preponderance of the evidence that
that no been r	con ebutt	dition or combination of conditions will as ed by defendant's home ownership, empl	the presence of the defendant, and by clear and convincing evidence, sure the safety of the community. I find the presumption of flight has oyment and family, but that the government has nevertheless shown by risk of non-appearance based upon (continued on next page)
			ections Regarding Detention
or on re	ani si eques	iali de allorded a reasonable opportunity for bi	orney General or his designated representative for confinement in a correction awaiting or serving sentences or being held in custody pending appeal. The rivate consultation with defense counsel. On order of a court of the United State on in charge of the corrections facility shall deliver the defendant to the United ection with a court proceeding.
Dated	<u>յ։ </u> <u> </u>	ıly 25, 2006	Signature of Judicial Officer  Hugh W. Brenneman, United States Magistrate Judge
			W Signature of Judicial Officer  Hugh W. Brenneman, United States Magistrate Judge

Name and Title of Judicial Officer



#### Alternate Findings (B) - (continued)

for fleeing a police officer in January 2004. Also, the Pretrial Services report for co-defendant Alicia Marie Gonzalez shows that Abel Lopez also fled the police both by car and on foot in January 1998.

### Part II - Written Statement of Reasons for Detention - (continued)

his two previous documented instances of attempting to flee and elude the police, and his considerable struggle with the police attempting to arrest him in this instance.

Further, I find he has not rebutted the presumption that he is a danger to the community, since there is nothing about his home life that has deterred him from behavior leading to his present charges.